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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,349	02/23/2004	Donald E. Godshaw	004286.00140	2311
22908	7590	10/07/2004	EXAMINER	
BANNER & WITCOFF, LTD. TEN SOUTH WACKER DRIVE SUITE 3000 CHICAGO, IL 60606			NGO, LIEN M	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 10/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/784,349	GODSHAW ET AL.	
	Examiner	Art Unit	
	LIEN TM NGO	3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Terminal Disclaimer

1. The terminal disclaimer filed on 7/30/04 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of the US patent 6,695,107 has been reviewed and is accepted. The terminal disclaimer has been recorded.
2. The allowable subject matter of claims 2, 4 and 7 have been withdrawn because the claims are rejected by the prior art as following:

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2 and 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Himbeeck (5,566,797) in view of Lin et al. (6,305,514) and further in view of Stube (5,498,101).

Van Himbeeck discloses, in figs. 1, 3 and 15, a carrying case comprising a flexible fabric sleeve 132 comprising both a lateral side 34 and a bottom side 38, and L shaped rigid board member 56 cover by said fabric sleeve (see col. 8, lines 30-38), a telescoping handle fastened to the inside of the board member, the board member including a precut slots 138 to receive wheel housing, and the case comprising plurality of compartments.

Van Himbeeck does not disclose a forming bracket on the outside the board member.

Lin et al. teach a carrying case having L shaped rigid board member and a forming bracket on the outside of the board member.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a forming bracket on the outside of the board member in the Van Himbeeck carrying case, as taught by Lin et al., in order to secure the board member to cover material of the carrying case.

Van Himbeeck in view of Lin et al. does not disclose a support foot fastened to the bottom side.

Stube teaches a support foot fastened to a bottom side of carrying case.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the carrying case of Van Himbeeck with a support foot fastened to the bottom side, as taught by Stube, in order to support the carrying case when it in an up right position.

5. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Lathouwer (6,702,164) in view of Van Himbeeck and Lin et al. (6,305,514) and further in view of Stube.

Lathouwer discloses, in figs. 1-4, a carrying case comprising a L-shaped rigid board member 2, a telescoping handle fastened to the inside of the board member, the board member including a precut slots 8 to receive wheel housing, and the case comprising plurality of compartments.

Lathouwer does not disclose a flexible sleeve covering the board member, a support foot and a bracket.

Van Himbeeck teaches a flexible sleeve covering a L-shaped board member, Lin et al. teach a bracket as claimed, and Stube teaches a foot support.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify De Lathouwer carrying case with a flexible sleeve covering the board member, a support foot, and a bracket in order to hide the board member in view, support the case in an up right position and secure the board member to cover material of the carrying case.

Response to Arguments

6. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIEN TM NGO whose telephone number is 703-305-0294. The examiner can normally be reached on Monday through Friday from 8:30 AM -6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LEE YOUNG can be reached on 703-308-2572. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lien Ngo

October 5, 2004

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke at the end.